

## CHAPTER 10

### GARBAGE, TRASH AND OTHER WASTE MATTER. 1

1. For state law as to garbage, refuse, disposal, see W.S. 1977, § 35-10-101.

As to garbage and refuse disposal in connection with trailer courts, see § 24-17 of this Code.

#### Article I. In General.

- § 10-1. Sanitary landfill – Establishment. Repealed.
- § 10-1.1. Same – Dumping restrictions.
- § 10-1.2. Same – Landfill operator. Repealed.
- § 10-1.3. Same – Disposal restrictions fixed by regulations. Repealed
- § 10-1.4. Definitions.
- § 10-1.5. Garbage collection.
- § 10-1.6. Collection supervised by City Sanitary Inspector.
- § 10-1.7. Pre-collection practices – Residential.
- § 10-1.8. Collection practice.
- § 10-1.9. Interfering with Sanitary Inspector.
- § 10-1.10. Burning prohibited.
- § 10-1.11. Penalty.
- § 10-1.12. Sevarability.
- § 10-2. Same – Unlawful to dump garbage, etc., except at city dump.
- § 10-3. Dumping, etc., waste matter, etc., in public places.
- § 10-4. Accumulation on private premises.
- § 10-5. Burning rubbish or waste.
- § 10-6. Disposition of ashes, etc.

#### Article II. Scavengers.

- § 10-7. Title.
- § 10-8. License – Required; Fee; Term; Transferability.
- § 10-9. Same – Application; License not required for certain residents.
- § 10-10. Equipment; Manner of discharging duties; Penalty.
- § 10-11. Time and fees for collecting garbage; Payment of fees.
- § 10-12. Collection and removal of waste material generally.

#### ARTICLE I. IN GENERAL.

##### SEC. 10-1. SANITARY LANDFILL – ESTABLISHMENT.

This Section is hereby repealed in its entirety. (Ord. 1088, 1/91; R.O. 1326, 4, 7/09)

##### SEC. 10-1.1. SAME – DISPOSAL RESTRICTIONS.

It shall be unlawful for any person, firm or corporation to deposit refuse, debris or solid waste material in any residential or commercial container not owned by such person or without the permission of such person firm or corporation which owns the residential or commercial container. (Ord. 1088, 1/91; R.O. 1327 4, 21/09)

##### SEC. 10-1.2. SAME – LANDFILL OPERATOR.

This Section is hereby repealed. (Ord. 1088, § 1, 1/91; R.O. 1328 4, 7/09)

##### SEC. 10-1.3. SAME – DISPOSAL RESTRICTIONS FIXED BY REGULATIONS.

This Section is hereby repealed. (Ord. 1088, § 1, 1/91; R.O. 1329 4, 7/09)

#### **SEC. 10-1.4. DEFINITIONS.**

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- 1) Ashes: The residue from the burning of wood, coal, coke, or other combustible materials.
- 2) City: The City of Buffalo.
- 3) Collector: Either the City or a person holding a contract issued or granted by the City authorizing such person to operate, conduct and maintain a municipal garbage and refuse collection and disposal system upon, on and over streets, alleys and public ways of the City.
- 4) Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- 5) Owner and Occupant: Every person as herein defined in possession, charge, custody or control of any premises where garbage, refuse and rubbish is created or accumulated.
- 6) Person: Any person, firm, partnership, association, corporation, company or organization of any kind.
- 7) Premises: Land and all buildings and structures thereon including, but not excluding by enumeration, single or multi-family dwellings, rooming houses, apartment houses, hospitals, convalescent and nursing homes, hotels and motels, restaurants, drive-in establishments, schools (academic, trade or industrial, and kindergarten) and any other place of habitation, office, shop or establishment or place of conducting a business, trade or occupation.
- 8) Refuse: All putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, small dead animals, and solid market and industrial wastes.
- 9) Rubbish: Nonputrescible solid waste (excluding ashes) consisting of both combustible and non-combustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials. (Ord. 855, § 2, 6/75)

#### **SEC. 10-1.5. GARBAGE COLLECTION.**

The Municipal Refuse Collection and Disposal Service of the City shall, by such means as the City Council deems appropriate, collect and dispose of all garbage, rubbish, refuse, paper, glass, tin cans, crockery, ashes, and other debris accumulated in the City. (Ord. 855, § 3, 6/75)

#### **SEC. 10-1.6. COLLECTION SUPERVISED BY CITY SANITARY INSPECTOR.**

All refuse accumulated in the City shall be collected, conveyed and disposed of by the City, or a person holding a contract issued or granted by the City, or a person holding a valid permit issued by the City under the supervision of the City Sanitary Inspector. The Sanitary Inspector shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection conveyance and disposal as he shall find necessary, and to change and modify the same after notice, provided that such regulations are not contrary to the provisions hereof. (Ord. 855, § 4, 6/75)

#### **SEC. 10-1.7. PRECOLLECTION PRACTICES – RESIDENTIAL.**

All garbage, paper, rubbish, trash, trimmings, glass, tin cans, grass clippings, leaves and other debris of like matter except ashes shall be placed and maintained in containers with lids of at least twenty (20) gallon capacity and not to exceed thirty-two (32) gallon capacity, and not to exceed seventy (70) pounds in net weight. If disposable (non-returnable) plastic bags are used, they shall be manufactured from polyethylene or ethylene copolymer resin, with the gauge of not less than 1.5 mils. All ashes shall be placed in plastic bags separate from all other garbage, refuse or rubbish and sealed to prevent exposure to the elements or other combustible materials. All regulation disposable plastic bags shall be stored, except on the day of collection, in an animal-proof container or area approved by the Sanitary Inspector for the City. (Ord. 1098, § 1, 4/92; R.O. 1322 § 4, 7/09) At his/her discretion, the Sanitary Inspector may require any resident of the City of Buffalo to provide a regulation container for storing disposable plastic bags on the day of collection. (Ord. 1322 § 4, 7/09)

1) Preparation of Refuse.

a) Garbage: All wet garbage before being placed in garbage cans for collection shall have drained from it all free liquids and shall be wrapped in paper.

b) Rubbish: All rubbish shall be drained of liquid before being deposited for collection.

c) Trimming and Clippings: Tree trimming, hedge clippings and similar material shall be cut to a length not to exceed five feet (5') and securely tied in bundles of not more than seventy pounds (70 lbs.) in weight before being deposited for collection.

d) All ashes shall be cold and noncombustible before being deposited for collection. (Ord. 1098, § 1, 4/92)

e) Needles from syringes must be placed in a puncture proof metal or plastic container to keep the needles containerized and to reduce the risk of injury to collection personnel. (Ord. 1317, 11, 18/2008)

2) Refuse Containers.

a) Residential – Duty to Provide and Maintain in Sanitary Condition: Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be regulation plastic bags or regulation containers with covers and side handles. The refuse container shall have the premises address clearly labeled on the container. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this section or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Sanitary Inspector shall have the authority to refuse collection services for failure to comply herewith.(R.O. 1325 § 4, 7/09)

b) Commercial Containers: Commercial containers shall be of a size and type prescribed by the Sanitary Inspector. All commercial containers shall be placed on a hard surface pad with dimensions no smaller than 8'x8', and with a two foot clearance free from obstruction around the entire refuse container. The hard surface pad can be comprised of asphalt, cement, wood, or other suitable material and be no more than 4" above ground level.

The commercial container shall be easily accessible from the corresponding road or alley. The approach to the commercial container shall be on an equivalent plane with the hard surface pad from a minimum of 40' to the front of the pad. The owner shall be responsible for keeping the hard surface pad clean at all times. The piling of rubbish on top or around the refuse container is strictly prohibited. Construction materials including but not limited to wood, wood pallets, and metal should not be placed in the refuse containers.

In the event the owner elects to enclose the commercial container, the enclosure shall have a minimum gate of 12' to accommodate the refuse truck. Owner shall be responsible for maintaining the commercial containers in good condition at all times, including but not limited to repairing lids, lifting ears, broken welds, corroded bottoms and wheels.

Any commercial container owner can petition the Sanitary Inspector, in writing, to waive any of the commercial container requirements described in this section.(R.O. 1323 § 4, 7/09)

3) Storing of Refuse.

a) Public Places: No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except it be in proper containers for collection or under express approval granted by the Sanitary Inspector. Nor shall any person throw or deposit any refuse in any stream or other body of water.

b) Unauthorized Accumulation: Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within ten (10) days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

c) Scattering of Refuse: No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon the street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the City.

4) Point of Collection.

a) Residential: Refuse containers or regulation plastic bags shall be placed for collection on a platform above the ground but not to exceed eighteen inches (18") above the ground, and not within the right-of-way of a street or alley. In all residential areas where there is a serviceable alley, refuse containers shall be placed on the property being

serviced adjacent to said alley. In all residential areas not serviced by an alley, said containers shall be housed in accordance with this section except for the day of collection when it shall be placed next to the street in front of such residence not later than 7:00 a.m. shall be removed therefrom not later than twelve (12) hours thereafter.

- b) Commercial: At such place or places as the Sanitary Inspector shall designate.
- c) The collector will not be required to enter commercial establishments. (Ord. 855, § 5, 6/75)

#### **SEC. 10-1.8. COLLECTION PRACTICE.**

##### 1) Frequency of Collection.

a) Residential: Refuse accumulated in residential areas shall be collected at least once each week.

b) Commercial: Refuse in commercial areas shall be collected daily or at such times as the Sanitary Inspector may determine. In making such determination, the Sanitary Inspector shall take into consideration all conditions necessary to protect the public health, safety and to prevent fires, etc.

##### 2) Limitation on Quantity when Properly Containerized.

a) Residential: There shall be no limitation on garbage picked up in residential areas.

b) Commercial: There shall be no limitation on garbage picked up in commercial areas.

##### 3) Special Refuse Problems.

a) Contagious Disease Refuse: The removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the Sanitary Inspector. Such refuse shall not be placed in containers for regular collection.

b) Inflammable or Explosive Refuse: Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Sanitary Inspector at the expense of the owner or possessor thereof.

##### 4) Collection by Commercial Establishment, Persons or Mercantile Establishments Residing Beyond the City Limits.

a) Requirements for Vehicles: All vehicles used to transport garbage or refuse over the City Streets shall provide an adequate cover to prevent offensive odors escaping therefrom and refuse being blown or dropped.

b) Disposal: This paragraph is hereby repealed in its entirety. (Ord. 1324 § 4, 7/09)

c) Rules and Regulations: The Sanitary Inspector shall have authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over City streets by outside commercial establishment or persons obtaining a permit to use the City dump as he shall find necessary.

##### 5) Refuse Property of City: Ownership of refuse material set out for collection shall be vested in the City when placed on the collection vehicle. (Ord. 855, § 6, 6/75; R.O. 1324 § 4, 7/09)

6) Fees – Golden Age or Disabled: Each one family residential unit or one family trailer requiring a service container not exceeding a 32-gallon capacity, may apply for a Golden Age or Disabled service rate of \$13.60 monthly providing one or more of the occupants residing therein has reached the age of 65 years old or is disabled. If additional containers are necessary to accommodate such service, the rate schedule for commercial can pickup shall apply. The occupants of a one family residential unit or a one family trailer applying for a Golden Age or Disabled service rate shall apply to the City Clerk or Sanitary Inspector for the special rate. The applicant shall verify under oath the birthdate of the occupant who is over the age of 65 years or provide a physician's confirmation of disability and who resides in such a unit. (Ord. 1247, § 2, 06/05; R.O. 1298 1,2/08; R.O. 1306 8,19/08)

7) Fees – Residential: Each one family residential unit, each kitchen unit in an apartment building, and each trailer shall be charged a fee of \$20.00 monthly for one (1) thirty-two (32) gallon containers or for the one (1) regulation plastic bag service. If additional 32-gallon containers or regulation plastic bags are necessary to accommodate such service as determined by the Sanitary Inspector, the rate schedule for commercial can pickup shall apply. Lawn and garden refuse properly placed within City designated containers, leased from

the City, shall be hauled at no additional fee. All residential accounts shall be in the name of the owner of the unit, and not in the name of a tenant, and the owner shall be responsible for payment of such fees. (Ord. 1247, § 2, 06/05; R.O. 1298 1,2/08; R.O. 1306 8/19/08)

8) Commercial Fees – Commercial cans, 32-gallon.

RATE SCHEDULE FOR COMMERCIAL CAN PICKUP MONTHLY

No. of Containers	Number of Pickups per Week					
	1	2	3	4	5	6
1.....	21.45	41.90	62.35	82.80	103.25	123.70
2.....	25.95	50.90	75.85	100.80	125.75	150.70
3.....	29.95	58.90	87.85	116.80	145.75	174.70
4.....	33.95	66.90	99.85	132.80	165.75	198.70
5.....	37.95	74.90	111.85	148.80	185.75	222.70
6.....	41.45	81.90	122.35	162.80	203.25	243.70
7.....	44.45	87.90	131.35	174.80	218.25	261.70

(Ord. 1247, § 3, 06/05; R.O. 1298 1 2/08; R.O. 1306 8,19/08)

Garbage cans in commercial areas shall be of the type designated by the Sanitary Inspector and shall not exceed 32-gallon capacity. Plastic bags may also be used provided they comply with the type, size and kind specified by the Sanitary Inspector. (Ord. 1078, § 1, 10/89)

9) Fees – Commercial Containers, 2-Cubic Yard.

a) RATE SCHEDULE FOR 2-CUBIC YARD MONTHLY

No. of Containers	Number of Pickups per Week						
	1	2	3	4	5	6	*Sat.
1.....	45.85	90.70	135.55	180.40	225.25	270.10	21.45
2.....	62.35	123.70	185.05	246.40	307.75	369.10	31.00
3.....	80.85	160.70	240.55	320.40	400.25	480.10	40.00
4.....	94.35	187.70	281.05	374.40	467.75	561.10	46.50
5.....	111.35	221.70	332.05	442.40	552.75	663.10	55.00
6.....	120.85	240.70	360.55	480.40	600.25	720.10	59.50

- Includes overtime in addition to regular fee

(Ord. 1247, § 4, 06/05; R.O. 1298 1 2/08; R.O. 1306 8,19/08)

b) RATE SCHEDULE FOR 3-CUBIC YARD MONTHLY  
Container service only (self owned)

No. of Containers	Number of Pickups per Week						
	1	2	3	4	5	6	* Sat.
1.....	54.90	108.80	162.70	216.60	270.50	324.40	25.50
2.....	75.40	149.80	224.20	298.60	373.00	447.40	34.00
3.....	98.40	195.80	293.20	390.60	488.00	585.40	43.00
4.....	115.40	229.80	344.20	458.60	573.00	687.40	49.50
5.....	136.90	272.80	408.70	544.60	680.50	816.40	58.00
6.....	148.90	296.80	444.70	592.60	740.50	888.40	62.50

\* Includes overtime in addition to regular fee  
(Ord. 1247, § 4, 06/05; R.O. 1298 1, 2/08; R.O. 1306 8, 19/08)

c) Section 10-1.9(c) of the Buffalo City Code, 2004, is hereby repealed.

d) The scheduled rates are all based on pickup Monday through Friday. Saturday rates include overtime. Saturday pickup fees are in addition to the regular monthly charge and are based on only one pickup.

e) All commercial pickups other than by commercial cans, 2-cubic yard containers or 3-cubic yard containers more than twenty-five feet (25') from the designated place for garbage pickup shall be charged and paid by the owner or occupant to the Collector at the rate of \$1.00 per minute for the average monthly time Collector takes to make such pickups. (Ord. 966, § 1, 8/81)

10) Billing: All fees charged for collecting, hauling and disposing of garbage in the City of Buffalo shall be billed by the City of Buffalo. Each residential, apartment and trailer shall be billed based on the number of kitchen units therein. Delinquent residential fees of rental units shall be charged to, and collected from, the owner of said premises. Business and commercial – industrial accounts shall be charged based on service requirements determined by the Sanitary Inspector and billed to the owner of the building. Delinquent commercial fees of rental units shall be charged to, and collected from, the owner of said premises. Owners of any rental unit shall have the service fees billed directly to them. Monthly fees shall be billed for any account unless service has been turned off as per Section 27-26, Special Rates of the Code of the City of Buffalo. (Ord. 1078, 10/89)

11) Special Disposal Fee. This paragraph is repealed in its entirety. (R.O. 1324 § 4, 7/09)

12) Disposal Requirements: This paragraph is hereby repealed in its entirety. (Ord. 1113, § 7/93; R.O. 1324 § 4, 7/09)

13) Additional Fee for Nonresidents: This paragraph is hereby repealed in its entirety.. (Ord. 1115, § 1, 10/93; R.O. 1324 § 4, 7/09)

**SEC. 10-1.9. INTERFERING WITH SANITARY INSPECTOR.**

It shall be unlawful for any person to interfere with or obstruct the Sanitary Inspector during the performance of his duties under this chapter. (Ord. 855, § 8, 6/75)

**SEC. 10-1.10. BURNING PROHIBITED.**

Open burning of substance of any kind within the City is hereby prohibited, except by special permit issued by the City in accordance with State regulations. (Ord. 855, § 8, 6/75)

**SEC. 10-1.11. PENALTY.**

Any violation of this Chapter shall be subject to the General Penalties as described in Section 14-13 of the Code of the City of Buffalo. (Ord. 844, § 10, 6/75; R.O. 1330 4, 21/09)

**SEC. 10-1.12. SEVERABILITY.**

If any section, subsection, sentence, phrase, or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this chapter are declared to be severable. (Ord. 855, § 12, 6/75)

**SEC. 10-2. SAME – UNLAWFUL TO DUMP GARBAGE, ETC., EXCEPT AT CITY DUMP.**

Section 10-2 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-3. DUMPING, ETC., WASTE MATTER, ETC., IN PUBLIC PLACES.**

Section 10-3 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-4. ACCUMULATION ON PRIVATE PREMISES.**

Section 10-4 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-5. BURNING RUBBISH OR WASTE.**

Section 10-5 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-6. DISPOSITION OF ASHES, ETC.**

Section 10-6 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**ARTICLE II. SCAVANGERS.**

**SEC. 10-7. TITLE.**

Section 10-7 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-8. LICENSE – REQUIRED; FEE; TERM; TRANSFERABILITY.**

Section 10-8 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-9. SAME – APPLICATION; LICENSE NOT REQUIRED OF CERTAIN RESIDENTS.**

Section 10-9 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-10. EQUIPMENT; MANNER OF DISCHARGING DUTIES; PENALTY.**

Section 10-10 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-11. TIME AND FEES FOR COLLECTING GARBAGE; PAYMENT OF FEES.**

Section 10-11 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)

**SEC. 10-12. COLLECTION AND REMOVAL OF WASTE MATERIAL GENERALLY.**

Section 10-12 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 855, § 9, 6/75)